

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	DATE FILED: _____
v.	:	CRIMINAL NUMBER: _____
MICHAEL THOMAS	:	VIOLATIONS:
	:	18 U.S.C. § 371 (conspiracy – 1 count)
	:	18 U.S.C. § 1344 (bank fraud – 2 counts)
	:	18 U.S.C. § 1028A (aggravated identity theft – 2 counts)
	:	18 U.S.C. § 472 (passing counterfeit currency – 1 count)
	:	Notice of forfeiture

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

1. At all times material to this information, TD Bank and Wachovia Bank were financial institutions, the deposits of which were insured by the Federal Deposit Insurance Corporation.
2. From in or about October 2009, through January 2010, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

MICHAEL THOMAS

conspired and agreed, together and with others known and unknown to the United States Attorney, to commit an offense against the United States, that is, to knowingly execute a scheme to defraud TD Bank and Wachovia Bank, and to obtain monies owned by and under the care, custody, and control of TD Bank and Wachovia Bank, by means of false and fraudulent

pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

MANNER AND MEANS

3. It was part of the conspiracy that defendant MICHAEL THOMAS obtained counterfeit checks which were printed using the name, address, and bank account information of customers of various banks and federal credit unions (the “victims”) without their knowledge, consent, or permission. Defendant Thomas filled out certain of the counterfeit checks by hand, including the payees’ names and the dollar amounts, and forged the victims’ signatures onto the checks.

4. Defendant MICHAEL THOMAS recruited individuals known and unknown to the United States Attorney to act as “check runners” and to deposit counterfeit checks into certain TD Bank accounts in order to artificially inflate the account balances, and to cash a counterfeit check at Wachovia Bank.

5. Once the counterfeit checks that had been deposited at TD Bank had cleared, defendant MICHAEL THOMAS, and other individuals known and unknown to the United States Attorney, posed as TD Bank account holders and withdrew cash from the accounts into which the counterfeit checks had been deposited.

6. In order to make the withdrawals from the TD Bank accounts, defendant MICHAEL THOMAS and others presented TD Bank teller C.F., and individual known to the United States Attorney, with withdrawal slips that contained the name, forged signature, and account number of the TD Bank account holders. Defendant THOMAS had recruited C.F. to participate in the scheme and process the fraudulent withdrawals from TD Bank.

7. Defendant MICHAEL THOMAS also recruited Wachovia Bank teller N.C., an individual known to the United States Attorney, to participate in the scheme and process a counterfeit check and counterfeit currency transaction at Wachovia Bank.

OVERT ACTS

In furtherance of the conspiracy, defendant MICHAEL THOMAS, and others known and unknown to the United States Attorney, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. On or about November 23, 2009, defendant MICHAEL THOMAS obtained a blank counterfeit check that had been printed using G.D.'s name, address, and bank account information without G.D.'s knowledge or consent. Defendant THOMAS filled out the check in the amount of \$4,680 and forged G.D.'s signature on the check.

2. On or about November 23, 2009, at the direction of defendant MICHAEL THOMAS, check runner H.R., known to the United States Attorney and charged elsewhere, deposited the counterfeit check into the TD Bank account of S.W. On or about November 24, 2009, defendant THOMAS caused approximately \$4,600 to be withdrawn from S.W.'s account.

3. Between on or about October 13, 2009 and on or about January 12, 2010, defendant MICHAEL THOMAS and other co-conspirators caused approximately 48 counterfeit checks totaling approximately \$289,846.82 to be deposited into approximately 45 different TD Bank accounts. All 48 checks subsequently were rejected by the issuing banks.

4. Between on or about October 14, 2009 and on or about January 9, 2010, defendant MICHAEL THOMAS and other co-conspirators posed as TD Bank account holders and made a total of approximately 36 withdrawals which totaled approximately \$189,300 from

the TD Bank accounts into which the counterfeit checks had been deposited.

5. In or about February 2010, defendant MICHAEL THOMAS obtained a blank counterfeit check that had been printed using A.N.'s name, address, and bank account information without A.N.'s knowledge or consent. The check was filled out in the amount of \$8,725, and A.N.'s name was forged on the check.

6. On or about February 4, 2010, defendant MICHAEL THOMAS provided a check runner unknown to the United States Attorney with the counterfeit check and a deposit slip containing the name and Wachovia Bank account number of an individual, P.L. The deposit slip, onto which P.L.'s signature had been forged, showed that \$525 was to be deposited into P.L.'s Wachovia Bank account, and \$8,200 cash returned to the check runner. At the direction of defendant THOMAS, the check runner presented the deposit slip and the counterfeit check to Wachovia Bank teller N.C., who processed the transaction. The counterfeit check subsequently was dishonored by the issuing bank.

7. On or about February 16, 2010, defendant MICHAEL THOMAS obtained \$4,000 in counterfeit \$100 bills. At the direction of defendant THOMAS, H.R. took the \$4,000 in counterfeit currency and a deposit slip to Wachovia Bank teller, N.C., who processed the transaction. In accordance with the deposit slip, N.C. gave \$2,500 in genuine currency to H.R. and deposited the remaining \$1,500 into defendant THOMAS' Wachovia Bank account.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1, 3 though 6, and overt acts 1 through 4 of Count One are realleged here.

2. From in or about October 2009 to on or about January 12, 2010, in the Eastern District of Pennsylvania, defendant

MICHAEL THOMAS,

and others known and unknown to the United States Attorney, knowingly executed a scheme to defraud TD Bank and to obtain monies owned by and under the care, custody and control of that bank by means of false and fraudulent pretenses, representations and promises.

THE SCHEME

3. It was part of the scheme that defendant MICHAEL THOMAS obtained counterfeit checks which were printed using the name, address, and bank account information of customers of various banks and federal credit unions (the “victims”) without their knowledge, consent, or permission. Defendant Thomas filled out the counterfeit checks by hand, including the payees’ names and the dollar amounts, and forged the victims’ signatures on the checks.

It further was part of the scheme that:

4. Defendant MICHAEL THOMAS recruited individuals known and unknown to the United States Attorney to act as “check runners” to deposit the counterfeit checks from the victims’ accounts into certain TD Bank accounts in order to artificially inflate the account balances.

5. Before TD Bank learned that the counterfeit checks had been dishonored, defendant MICHAEL THOMAS and others posed as TD Bank account holders, presented withdrawal slips that contained the name, forged signature, and account number of the TD Bank account holders, and withdrew cash from the TD Bank accounts into which the counterfeit checks had been deposited.

6. Between on or about October 14, 2009 and on or about January 9, 2010, defendant MICHAEL THOMAS and others withdrew, or caused to be withdrawn, approximately \$189,300 from TD Bank.

7. Defendant MICHAEL THOMAS made the following cash withdrawals from TD Bank accounts into which the counterfeit checks had been deposited:

<u>DATE</u>	<u>LOCATION</u>	<u>AMOUNT</u>	<u>TD BANK ACCOUNT HOLDER</u>
12/10/09	Philadelphia, PA	\$4,800	J.R.
12/16/09	Philadelphia, PA	\$4,800	K.B.
12/17/09	Philadelphia, PA	\$5,100	K.W.

8. As a result, defendant MICHAEL THOMAS caused a loss of approximately \$189,300 to TD Bank.

In violation of Title 18, United States Code, Section 1344.

COUNT THREE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1, 3 though 6, and overt acts 1 and 2 of Count One, and paragraphs 3 and 4 of Count Two are realleged here.

2. On or about November 23, 2009, in the Eastern District of Pennsylvania, defendant

MICHAEL THOMAS

knowingly and without lawful authority, transferred, possessed and used, and caused to be possessed and used, a means of identification of another person, that is, the name G.D., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5).

COUNT FOUR

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1, 3, 4, and 7, and overt acts 5 through 7 of Count One are realleged here.

2. On or about February 4, 2010, in the Eastern District of Pennsylvania, defendant

MICHAEL THOMAS,

and others known and unknown to the United States Attorney, knowingly executed a scheme to defraud Wachovia Bank and to obtain monies owned by and under the care, custody and control of that bank by means of false and fraudulent pretenses, representations, and promises.

THE SCHEME

3. It was part of the scheme that defendant MICHAEL THOMAS obtained a counterfeit check which was printed using the name, address, and bank account information of an individual, A.N., without A.N.'s knowledge, consent, or permission.

It further was part of the scheme that:

4. Defendant MICHAEL THOMAS recruited an individual unknown to the United States Attorney to act as a "check runner" to deposit a portion of the counterfeit check into the Wachovia Bank account belonging to an individual, P.L., and to cash the remainder of the check.

5. Defendant MICHAEL THOMAS provided the check runner with a deposit slip containing the name and bank account number of Wachovia Bank customer P.L. The deposit slip, onto which P.L.'s signature had been forged, indicated that \$525 was to be deposited

into P.L.'s Wachovia Bank account, and \$8,200 cash returned to the check runner. P.L. was not aware of, and did not consent to, the use of his account to cash the counterfeit check.

6. On or about February 4, 2010, the check runner, acting under the direction of defendant MICHAEL THOMAS, presented the deposit slip and counterfeit check in the amount of \$8,725 to Wachovia Bank, and received \$8,200 cash in return. The check subsequently was dishonored by the issuing bank.

7. By this scheme, defendant MICHAEL THOMAS fraudulently obtained, and caused to be fraudulently obtained, approximately \$8,200 from Wachovia Bank to which he was not entitled, and without the knowledge or consent of account holder A.N., in whose name the check had been written.

In violation of Title 18, United States Code, Section 1344.

COUNT FIVE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1, 3, 4, and 7, and overt acts 5 and 6 of Count One, and paragraphs 3 and 4 of Count Four are realleged here.

2. On or about February 4, 2010, in the Eastern District of Pennsylvania, defendant

MICHAEL THOMAS

knowingly and without lawful authority, transferred, possessed and used, and caused to be possessed and used, a means of identification of another person, that is, the name A.N., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5).

COUNT SIX

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

On or about February 16, 2010, in Philadelphia, in the Eastern District of Pennsylvania, defendant

MICHAEL THOMAS,

with intent to defraud, knowingly passed, possessed, and uttered falsely made, forged, and counterfeited obligations of the United States, that is, approximately \$4,000 in counterfeit \$100 Federal Reserve Notes.

In violation of Title 18, United States Code, Section 472.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Section 1344, set forth in this information, defendant

MICHAEL THOMAS

shall forfeit to the United States of America any property that constitutes, or is derived from, proceeds obtained directly or indirectly from the commission of such offenses, including, but not limited to, the sum of \$202,025.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

ZANE DAVID MEMEGER
United States Attorney